

1 PUNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3  
4 PHILLIP DEWAYNE STEWART,  
5 Petitioner,  
6 v.  
7 DEXTER PAYNE,  
8 Respondent.

Case No. [22-cv-03636-YGR](#) (PR)

**ORDER OF DISMISSAL WITHOUT  
PREJUDICE**

9 Petitioner filed the present petition for a writ of habeas corpus pursuant to 28 U.S.C.  
10 § 2254. On July 8, 2022, mail directed to petitioner by the Court was returned to the Clerk of the  
11 Court with a notation that it was undeliverable. To date, petitioner has not updated his address  
12 with the Court or submitted any further pleadings in this case. In addition, on August 1 and 31,  
13 2022, two separate pieces of mail directed to petitioner were returned to the Clerk with a notation  
14 that they were undeliverable.

15 Pursuant to Northern District Local Rule 3-11 a party proceeding *pro se* whose address  
16 changes while an action is pending must promptly file a notice of change of address specifying the  
17 new address. *See L.R. 3-11(a).* The Court may dismiss without prejudice a complaint when:  
18 (1) mail directed to the *pro se* party by the Court has been returned to the Court as not deliverable,  
19 and (2) the Court fails to receive within sixty days of this return a written communication from the  
20 *pro se* party indicating a current address. *See L.R. 3-11(b).*

21 More than sixty days have passed since the first piece of mail directed to petitioner by the  
22 Court was returned as undeliverable on July 8, 2022. The Court has not received a notice from  
23 petitioner of a new address. Accordingly, the petition is DISMISSED without prejudice pursuant  
24 to Rule 3-11 of the Northern District Local Rules. The Clerk shall terminate all pending motions  
25 and close the file.

26 IT IS SO ORDERED.

27 Dated: September 13, 2022

  
28 JUDGE YVONNE GONZALEZ ROGERS  
United States District Judge